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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of:</b>	<b>Allerding, Duewel</b>
<b>Application No.:</b>	<b>10/775422</b>
<b>Filed:</b>	<b>February 10, 2004</b>
<b>For:</b>	<b>A METHOD FOR OPERATING A FORK-LIFT TRUCK</b>
<b>Group Art Unit:</b>	<b>Not Assigned</b>

Mail Stop *Amendment*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Docket No.: H01.2B-11460-US01**

**TRANSMITTAL LETTER**

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached: 5 page IDS with 8 references and post card.
2. With respect to fees:
  - ☒ No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.

Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

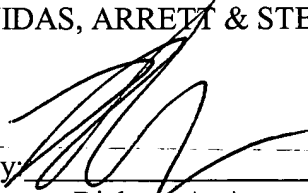
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

5/17/04

By:




Richard A. Arrett

Registration No.: 33153

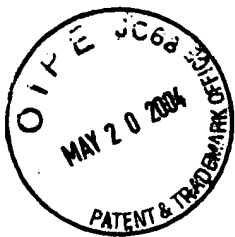
6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop \_\_\_\_\_, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on 5/17/04



Julie Emerson



PATENT

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Application No.:	10/775422
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Mail Stop Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases. **See attached Statement of Relevancy for related references.**

☒ I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- ☐ (1) within 3 months of the filing date of the application (other than a CPA); or
- ☒ (2) within 3 months of entry of the national stage; or
- ☒ (3) before the mailing of a first Office Action on the merits;
- ☐ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- ☐ (5) as part of a continued prosecution application (CPA); or
- ☐ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

☐ II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- ☐ (1) a certification as specified in §1.97(e) is provided below; or
- ☐ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

\_\_\_\_\_ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- \_\_\_\_\_ (1) a certification as specified in §1.97(e) is completed below; and
- \_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

**X** **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

***If paragraph II.1 or III is checked, also check one of the paragraphs below***

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_\_ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

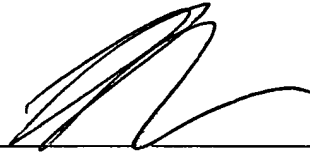
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

5/17/04

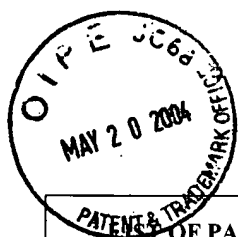
By:



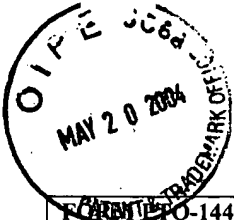
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Facsimile: (952) 563-3001



<b>OFFICE OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				<b>ATTY DOCKET NO.:</b> H01.2B-11460- US01		<b>APPLICATION NO.:</b> 10/775422	
				<b>APPLICANT:</b> Allerding, Duewel			
				<b>FILING DATE:</b> February 10, 2004		<b>GROUP:</b> Not Assigned	
<b>REFERENCE DESIGNATION</b>				<b>U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS</b>			
<b>EXAM'S INIT.</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS/ SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>	
	AA	6146415	11/14/00	Fitz	623/1.11		
	AB	6350100	02/26/02	Naruse et al	414/635		
	AC	6425728	07/30/02	Goto	414.636		
	AD						
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	AL						
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>			
	BA	99/16698	04/08/99	WO			
	BB	198 28 938 A1	06/29/98	DE			
	BC	100 13 083	06/09/01	DE			
	BD	Japanese Abstract for Appln No. 04030993	09/07/93	JP			
	BE	Japanese Abstract for Appln No. 06153944	01/16/98	JP			
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)</b>							
	CA		Article: Schubmaststapler Fahrer steht in Mittelpunkt... Logistik fur Unternehmen 3/2001, p. 74 . (See attached Statement of Relevancy)				
	CB		Article: Mit, eingebauter Stabilitat, F & H Fordern und Heben 49/1999, Nr. 6, pp. 399/400. (See attached Statement of Relevancy)				
	CC						
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



<b>PTO-1449 (Modified)</b> <b>LIST OF PATENTS AND PUBLICATIONS</b> <b>FOR APPLICANT'S</b> <b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				<b>ATTY DOCKET NO.:</b> H01.2B-11460		<b>APPLICATION NO.:</b> 10/775422	
				<b>APPLICANT:</b> Allerding et al			
				<b>FILING DATE:</b> 2/10/04		<b>GROUP:</b>	
<b>REFERENCE DESIGNATION</b>				<b>U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS</b>			
<b>EXAM'S INIT.</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS/ SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>	
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<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>			
	BA	Japanese Abst. for Apppln 11092095	01/16/96	JP			
	BB						
	BC						
	BD						
	BE						
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)</b>							
	CA						
	CB						
	CC						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							





### Statement of relevancy

1. The invention according to the independent claims refers to a reach truck wherein the mast is displaceable relative to the chassis of the truck. According to claim 1 the speed of the fork or the like which is moved along the mast is limited by a predetermined upper speed value. This maximum speed value is changed either in dependency of the height of the fork or of the weight of the load on the fork.

2. DE 1 0013 083

This reference refers to a specific reach truck which has a frame which guides a lift fork and the frame can be moved along a platform adjacent to a cabin for the driver. Nothing is said with respect to the speed of the lift fork in use.

3. DE 198 28938 A1

This reference refers also to a reach truck. This reference deals with the specific guiding of the lift fork along the displaceable mast. Nothing is said about the control of the speed of the lift fork.

4. DE-Z: Logistik für Unternehmen 3/2001, Seite 74

In this reference a reach truck is mentioned wherein the mast cannot only be displaced along the longitudinal axis of the truck, rather also transverse to the longitudinal axis. This is instead of a displacement of the fork transverse to the longitudinal axis which is also known.

5. DE-Z: F + H Fördern und Heben 49/1999 Nr. 6, Seite 399/400

This reference deals with the stabilization of the swinging rear steering axle of an industrial truck. A control is provided which also controls the movement of the mast above a lift height of the fork above 2 meters. According to the load on the lift fork the inclination of the mast is changed. There is no control of the speed of the lift fork as claimed by the invention.